Rebuttal to Robert Baldwin's review of 10/073,711

In response to Robert Baldwin's response of "102 rejection that should have been made", attention is directed toward Figures 1 & 2 of Japanese reference Tetsuji (62-37923). Reviewer argues that "whether or not an outer edge of a substrate contacts the first surface obviously depends on the method of using the hot plate...". The application was examined based on what is claimed and what was disclosed in the specification, not particularly to hypothetical situations. The applicant discloses a hot plate having a first surface having a first recess disposed in the first surface in which a substrate rests on the outer edges of the first surface. The reviewer takes the position that if the substrate of Tetsuji (62-37923) were larger, it would rest on a top surface of the reference. It is mere speculation that a larger sized substrate would fir under the "biassed clamp" (5) which itself is attached to the first surface, and it appears that a larger substrate would be obstructed by the clamp and not be capable of contacting the first surface It is known in the art for a substrate to have as little contact area with a hot plate for keeping scratches to a minimum and for having more substrate area exposed for evenly heat treating the substrate. 35 U.S.C. 102 states that the reference must teach every aspect of the claimed invention either explicitly or impliedly, and any feature not directly taught must be inherently present.

In response to Robert Baldwin's suggestion of 35 U.S.C. rejection(s) that should have been made, attention is directed toward Hardy et al (5,343,012) wherein a substrate (14) rests on a top surface (30). Baldwin therefore concludes that substrates may rest on the first surface of Tetsuji (62-37923). Tetsuji offers no suggestion that its' top surface be used for supporting wafer substrates, on the contrary Tetsuji clearly identifies the sole purpose of the top surface is for

ė

attaching a "biased clamp" (5) for securing a substrate within the recess of the substrate holder (6) in which case the clamp (22) of Hardy et al functions differently in that its' clamp is not supported by the top surface (30), but secures a wafer substrate to the top surface. I hold the position that the suggested modification does not meet the claim language in view of the specification.

Greg Wilson

Applicati n Number 10/073,711	Art Unit 3749	Notice of Allowance 24-Jul-03	Examiner WILSON, GREGORY A		Reviewe Baldwin, Ro	
	9	Omit	ted Rejections	95. \ 7. \ 7. \ 7. \ 7. \ 7. \ 7. \ 7. \	Maria de la companya della companya della companya della companya de la companya della companya	
Is there a po you propose	tential clear (must be reas	error for omittin onable)	g a rejection? (The rej	jection	Yes	○ No
If yes, check a ✓ 35 U.S.C.		· : :		·		
✓ 35 U.S.C.	103					
☐ 35 U.S.C.	112, first para	graph, written des	cription			
☐ 35 U.S.C.	112, first para	graph, enablemen	t			
	112, second pa	aragraph	• . •			
☐ 35 U.S.C.			,	·		
		utory subject matt	er)	, •		
	tenting (statut	ory, ODP)				
□ Other (e.g	., Best Mode)					
					•	
			•			
		;				
		,				-
		:				1

ALLOWED REVIEW **Application Number Notice Of Allowance** Reviewer 10/073,711 24-Jul-03 Baldwin, Robert SECONFIL EFUSE 102 Correctness f 35 U.S.C 102 Rejections Were all 35 U.S.C 102 rejections reasonable? (No indicates potential clear error) O_{Yes} O_{No} If no, indicate the problem (check all that apply) \square Claimed features not found in the reference. \square Wrong subsection of 35 U.S.C. 102 used. \square Date of the reference no good. ☐ Inherency applied improperly. ☐ Improper official notice. ☐ Other Comments: Clarity of 35 U.S.C 102 Rejections Were all 35 U.S.C. 102 rejections formulated in a clear manner? O Yes O No (No indicates potential clear error) Were claim limitations matched to the art? \bigcirc Yes \bigcirc Sometimes \bigcirc No Was any statement of inherency clearly explained? ○ Yes ○ Sometimes ○ No ○ N/A Comments: 35 U.S.C 102 Rejection(s) That Should Have Been Made Give a brief description of the proposed35 U.S.C. 102 rejections(s) that should have been made: Claims 1 and 9 are fully readable on Tetsuji (62-37923) which discloses (Figs. 1-2) apparatus comprising a hot plate having a first recess 9 of uniform depth in the first surface and a recess 7 disposed proximate a center region of the bottom of the first recess such that an approximately uniform temperature is achieved at a first surface of a substrate 1. Whether or not an outer edge portion of a substrate contacts the first surface obviously depends on the method of using the hot plate (i.e., the size of substrate being baked), but it is clear that the first recess is sized such that the outer edge of a larger substrate would fit under the inner portion of biased pivoting clamp means 5 and contact the end portion of the hot plate first surface. Origin of Prior Art used in the proposed 35 U.S.C. 102 rejection(s) above ✓ of record \square not of record (attach search logic/documentation) ☐ East ☐ EPO ☐ Other ☐ West ☐ NPL ☐ Derwent Comments:

ALLOWED REVIEW Applicati n Number N tice Of Allowance Reviewer 10/073,711 24-Jul-03 Baldwin, Robert Section III n 35 U.S.C. 103 C rrectness f 35 U.S.C 103 Rejecti ns Were all 35 U.S.C 103 rejections reasonable? O_{Yes} O_{No} (No indicates the presence of a potential clear erro If no, indicate the problem (check all that apply) $\hfill\square$ Claimed features not found in the reference. References not combinable. ☐ Date of the reference no good. ☐ Improper motivation. \square No reasonable expectation of success. ☐ Improper Official Notice taken. ☐ Other Comments: Clarity of 35 U.S.C 103 Rejections Were all 35 U.S.C. 103 rejections formulated in a clear manner? ○ Yes ○ No (No indicates potential clear error) Were claim limitations matched to the art? ○Yes ○ Sometimes ○ No Were the differences clearly stated? ○Yes ○ Sometimes ○ No Was the modification or combination of references clearly explained \bigcirc_{Yes} $\bigcirc_{\mathsf{Sometimes}}$ \bigcirc_{No} Was the motivation/reasons for obviousness present? $\bigcirc_{\mathsf{Yes}} \ \bigcirc_{\mathsf{Sometimes}} \ \bigcirc_{\mathsf{No}}$ Comments: 35 U.S.C 103 Rejection(s) That Should Have Been Made Give a brief description of the 35 U.S.C. 103 rejection(s) that should have been made: Claims 1, 8 and 9 are unpatentable over Tetsuji (62-37923) in view of the Hardy et al (5,343,012) teaching that it is known in the art to utilize clamping means 22 to secure a substrate to the first surface of a hot plate 10 having a heat source 12 operably coupled thereto. It is not clear whether or not the Tetsuji heat source 3 is coupled to the second surface of hot plate 6, but in view of the Hardy et al teaching of a unitary hot plate+heat source this would have been an obvious design choice to facilitate portability and applicant has not indicated any new or unexpected results from such coupling. Likewise, it would have been clear from the Hardy et al teaching that substrates may rest on the first surface of the hot plate during baking and that the Tetsuji clamp means 5 obviously would similarly function for securing larger sized substrates on the first surface of hot plate 6 to facilitate baking thereof. Origin of Prior Art used in the proposed 35 U.S.C. 103 rejection(s) above ✓ of record \square not of record (attach search logic/documentation) ☐ East ☐ EPO ☐ Other □ West □ JPO

☐ NPL

Comments:

☐ Derwent

Section III. 35 U.S.C. 102 - Page 3 f 3

Is the R/A clear and complete? Is the R/A clear and complete? If no, Does the record as a whole indicate a R/A was necessary? Comments: Was there an interview regarding the merits of the case relevant to the action reviewed? If yes, Is the record of the interview clear and complete? Comments: Aims Were claims treated in an inappropriate manner on non-substantive issues? Yes No If yes, claims are present that were not addressed. claims previously withdrawn from consideration should have been cancelled. improper dependent claims were not properly treated. claims previously withdrawn from consideration should have been cancelled. dimproper dependent claims were not properly treated. comments: quence Rules Oes the application contain nucleotide and/or amino acid sequences? Yes No Yes No	4-Jul-03	Review Baldwin, Ro		
Did the Examiner write a Reasons for Allowance (R/A)? If yes, Is the R/A clear and complete? Yes No No If no, Does the record as a whole indicate a R/A was necessary? Comments: Was there an interview regarding the merits of the case relevant to the action reviewed? If yes, Was Summary Form PTOL-413 completed? Is the record of the interview clear and complete? Comments: Aims Were claims treated in an inappropriate manner on non-substantive issues? Yes No Comments: If yes, claims are present that were not addressed. claims previously withdrawn from consideration should have been cancelled. claims previously withdrawn from consideration should have been cancelled. claims previously withdrawn from consideration should have been cancelled. claims previously withdrawn from consideration should have been cancelled. claims previously withdrawn from consideration should have been cancelled. claims previously withdrawn from consideration should have been cancelled. claims previously withdrawn from consideration should have been cancelled. claims previously withdrawn from consideration should have been cancelled. claims previously withdrawn from consideration should have been cancelled. claims previously withdrawn from consideration should have been cancelled. claims previously withdrawn from consideration should have been cancelled. claims previously withdrawn from consideration should have been cancelled. claims previously withdrawn from consideration should have been cancelled. claims previously withdrawn from consideration should have been cancelled. claims previously withdrawn from consideration should have been cancelled. claims previously withdrawn from consideration should have been cancelled. claims previously withdrawn from consideration should have been cancelled. claims previously withdrawn from consideration should have been cancelled. claims previously withdrawn from consideration should have been cancelled.	GUONEL FILOWEDPER - (C.			
If yes, Is the R/A clear and complete? Yes No Yes No To boes the record as a whole indicate a R/A was necessary? Comments: **Masthere an interview regarding the merits of the case relevant to the action reviewed? If yes, Was Summary Form PTOL-413 completed? Is the record of the interview clear and complete? Comments: **Massimmary Form PTOL-413 completed? Yes No Is the record of the interview clear and complete? Yes No Comments: **Massimmary Form PTOL-413 completed? Yes No Is the record of the interview clear and complete? Yes No Comments: **Massimmary Form PTOL-413 completed? Yes No Comments: **Massimmary Form PTOL-413 completed? Yes No Comments: **Massimmary Form PTOL-413 completed? Yes No **Massimmary Form PTOL-413 completed? Yes No Comments: **Massimmary Form PTOL-413 completed? Yes No To yes, Comments: **Massimmary Form PTOL-413 completed? Yes No To yes, Comments: **Massimmary Form PTOL-413 completed? Yes No **Massimmary Form PTOL-413 comp				
Is the R/A clear and complete? If no, Does the record as a whole indicate a R/A was necessary? Comments: Was there an interview regarding the merits of the case relevant to the action reviewed? If yes, Was Summary Form PTOL-413 completed? Is the record of the interview clear and complete? Comments: Were claims treated in an inappropriate manner on non-substantive issues? Aims Were claims are present that were not addressed. Claims are present that were not addressed. Claims previously withdrawn from consideration should have been cancelled. Comments: Comments: Quence Rules Ones the application contain nucleotide and/or amino acid sequences? Yes No Yes No Yes No Yes No No No Yes No No No Yes No No Yes No No Yes No No No Yes No No No Yes No No No No No No No No No N	Allowance (R/A)?	\circ Yes	● No	ON
If no, Does the record as a whole indicate a R/A was necessary? Comments: Was there an interview regarding the merits of the case relevant to the action reviewed? If yes, Was Summary Form PTOL-413 completed? Is the record of the interview clear and complete? One comments: Aims Were claims treated in an inappropriate manner on non-substantive issues? If yes, Calims are present that were not addressed. Calims previously withdrawn from consideration should have been cancelled. Comments: Comments: Quence Rules Ones the application contain nucleotide and/or amino acid sequences? Yes No No Yes No		\sim		
Does the record as a whole indicate a R/A was necessary? Comments: Was there an interview regarding the merits of the case relevant to the action reviewed? If yes, Was Summary Form PTOL-413 completed? Is the record of the interview clear and complete? O Yes O No Comments: Aims Were claims treated in an inappropriate manner on non-substantive issues? Yes No If yes, Claims are present that were not addressed. Claims previously withdrawn from consideration should have been cancelled. Improper dependent claims were not properly treated. O other Comments: Quence Rules Oes the application contain nucleotide and/or amino acid sequences? Yes No Yes No Yes No No Yes No No Yes O No Yes O No				
Therviews Was there an interview regarding the merits of the case relevant to the action reviewed? If yes, Was Summary Form PTOL-413 completed? Is the record of the interview clear and complete? Comments: Yes	a R/A was necessary?	Ovac	• Na	
Mas there an interview regarding the merits of the case relevant to the action reviewed? If yes, Was Summary Form PTOL-413 completed? Is the record of the interview clear and complete? Comments: Yes	d IVA was necessary:	○ res	♥ NO	
Was there an interview regarding the merits of the case relevant to the action reviewed? If yes, Was Summary Form PTOL-413 completed? Is the record of the interview clear and complete? Comments: Ves No				
If yes, Was Summary Form PTOL-413 completed? Is the record of the interview clear and complete? Comments: Were claims treated in an inappropriate manner on non-substantive issues? Yes No If yes, claims are present that were not addressed. claims previously withdrawn from consideration should have been cancelled. improper dependent claims were not properly treated. other Comments: Quence Rules oes the application contain nucleotide and/or amino acid sequences? Yes No Yes No No Id yes, Id yes				
Was Summary Form PTOL-413 completed? Is the record of the interview clear and complete? Comments: Yes	nerits of the case relevant to the	○ _{Yes}	⊙ _{No}	
Is the record of the interview clear and complete? Comments: Were claims treated in an inappropriate manner on non-substantive issues? Yes No If yes, claims are present that were not addressed. claims previously withdrawn from consideration should have been cancelled. improper dependent claims were not properly treated. other Comments: Guence Rules loes the application contain nucleotide and/or amino acid sequences? Yes No Yes No Yes No		\sim		
Comments: Solution Comments Comments			· · -	
were claims treated in an inappropriate manner on non-substantive issues? Yes No If yes, claims are present that were not addressed. claims previously withdrawn from consideration should have been cancelled. improper dependent claims were not properly treated. other Comments: quence Rules loes the application contain nucleotide and/or amino acid sequences? Yes No syes, id the examiner properly handle Sequence Compliance Issues? Yes No	nd complete?	○ Yes	\circ No	
claims are present that were not addressed. claims previously withdrawn from consideration should have been cancelled. improper dependent claims were not properly treated. other Comments: quence Rules oes the application contain nucleotide and/or amino acid sequences? f yes, id the examiner properly handle Sequence Compliance Issues? Yes No	manner on non-substantive issues?	○ _{Yes}	⊙ No	
□ claims previously withdrawn from consideration should have been cancelled. □ improper dependent claims were not properly treated. □ other Comments: □ quence Rules Does the application contain nucleotide and/or amino acid sequences? ○ Yes ○ No f yes, Did the examiner properly handle Sequence Compliance Issues? ○ Yes ○ No	dressed			
☐ improper dependent claims were not properly treated. ☐ other Comments: ☐ quence Rules Does the application contain nucleotide and/or amino acid sequences? f yes, Did the examiner properly handle Sequence Compliance Issues? Yes No		sallad		
other Comments: quence Rules Does the application contain nucleotide and/or amino acid sequences? Yes No Yes No Yes No Yes No Yes No Yes No No No No No No No No No N		eneu.		
quence Rules Does the application contain nucleotide and/or amino acid sequences? Yes No Yes No Yes No Yes No	e property dedica.			
quence Rules Does the application contain nucleotide and/or amino acid sequences? Yes No Yes No Yes No Yes No				
quence Rules Does the application contain nucleotide and/or amino acid sequences? Yes No Yes No Yes No Yes No				
oid the examiner properly handle Sequence Compliance Issues?				
- 162 - 140		○ _{Yes}	⊙ No	
Comments:		\circ	O	
· ·	e Compliance Issues?	○ Yes 「	∪ No	
	e Compliance Issues?	○ Yes '	○ No	
id the examiner properly handle Sequenc		Allowance (R/A)? The a R/A was necessary? The arits of the case relevant to the lead? The arithmetic of the case relevant to the lead? The arithmetic of the case relevant to the lead? The arithmetic of the case relevant to the lead. The arithmetic of the case relevant to the lead of the	Allowance (R/A)? Yes a R/A was necessary? Yes ed? Yes Yes Allowance (R/A)? Yes Yes Yes Yes Yes Yes Yes Ye	Allowance (R/A)? Yes No Yes No e a R/A was necessary? No ed? Yes No ed? Yes No ed? Yes No odressed. Onsideration should have been cancelled. It properly treated.

Application Number 10/073,711	N tice Of Allowance 24-Jul-03		. Re v Baldw		
	Section XIII. Other	lssues			
Were all claims for priority pro	operly treated?		○ _{Yes}	○ _{No}	⊙ _{N/A}
If a restriction was made, was	s it proper?		\circ_{Yes}	O _{No}	
Were all matters of substance affidavits/declarations evaluat	in applicant's response and ed sufficiently?		⊚ _{Yes}		O _{N/A}
Other issues?			○ _{Yes}	● No	
comments:					
	·				
	•				
	:				
	:				
	4				

ALLOWED REVIEW **Application Number** N tice Of Allowance Reviewer 10/073,711 24-Jul-03 Baldwin, Robert Section XIV. Inclicate of Commenciable/Outstanding Patentability Determination: Indicia of Commendable/Outstanding The record developed by the examiner shows an indication of allowable subject matter at the □Yes earliest time which is consistent with the file record and prosecution of the application. Through the rejections and arguments made by the examiner, an appropriate line of □Yes patentability is established which results in amendment(s) properly limiting the scope of an The search record in the application clearly shows that the examiner construes the claimed subject matter in its broadest reasonable interpretation and seeks to develop prior art from the □Yes appropriate peripherally related art areas. Action Taking: Indicia of Commendable/Outstanding The statements of rejection, objection, and response to arguments clearly and concisely present the \quad Yes positions taken or recommended in the resulting Office actions including a thorough substantive explanation to convey those positions to the applicant. The Office action usually refer an applicant's attention to relevant and helpful elements, figures, and/or text upon which the Office action relies to support the position taken. ☐ Yes The Office action indicates that the principle of compact prosecution is being fully followed. Note, the principle of compact prosecution comprises conducting an initial search which is as complete as □Yes possible including consultation with an expert in the art where the examiner lacks such expertise (see search guidelines); placing art of record which meets both the concept and the wording of the claims as well as other art which is pertinent to significant though unclaimed features of the disclosed invention; and issuing a first Office action which clearly explains the examiner's position on each essential issue in such detail that absent some unexpected consideration the next Office action may be made final. Patent Examining Function: Indicia of Commendable/Outstanding Check one of the following statement if applicable: \square The Office action is formulated to advance the prosecution, correct other informalities, and develop a complete file wrapper record. The Office action also is such that it leaves little room for improvement. The Office action clearly and concisely presents the positions taken. \square The entire Office action is complete and accurate and does not require any substantial revision. The Office action effectively conveys the positions taken. Comments:

ALLOWED REVIEW .

Application Number

N tice Of Allowance

ReviewerBaldwin, Robert

10/073,711

24-Jul-03

Seach			SAME STORY
Initial Data Capture Points			
Was art provided from an ESS before first action?	O Yes	O No	
Was any IDS improperly treated?	O Yes		O N/A
Was a text search performed by the Examiner?	• Yes		♥ N/A
Was it non-patent literature?		No	
Is the search strategy printout present?		O No	O N/A
Was the inventorship searched by the Examiner?	O Yes	No	• • • • •
If any TC or specialized art has identified specific search requirements in addition to or in exclusion of the above requirements, were these specific requirements complied with?	○ Yes	O No	⊙ N/A
Were foreign patent documents cited by the Examiner on an 892?	O Yes	No	
Were NPL documents cited by the Examiner on an 892?	○ Yes	No	
Did the Examiner perform a new search in a 2nd/subsequent action?	○ Yes		O N/A
Did the Examiner update all searches in a subsequent action?	Yes		O N/A
Did an ESS submit a new search report in a 2nd/subsequent action?	○ Yes		O N/A
Was there new art found by the Examiner that was applied in a 2nd/subsequent action?	O Yes		N/A
Has a search been performed by the Reviewer?	O Yes	⊙ No	
Overall Rating of the Search			
O Less than Adequate			
Comments:			